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2 **UNITED STATES ATTORNEY**
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4 **ASSISTANT UNITED STATES ATTORNEY**
5 **DISTRICT OF IDAHO**
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U.S. DISTRICT COURT
DISTRICT OF IDAHO
Filed at _____

JUN 23 2004
CLERK, U.S. DISTRICT COURT
By _____ Deputy

7 **IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO**

9 **UNITED STATES OF AMERICA,**)

10 **Plaintiff,**)

11 **vs.**)

12 **FRANCISCO CASTILLO-MACHUCA,**)

13 **Defendant.**)
14

Case No. CR 04-092-S-EJL

MOTION FOR DETENTION

15 The United States, by and through Thomas E. Moss, United States Attorney for the
16 District of Idaho, and Rafael M. Gonzalez, Jr., Assistant United States Attorney for the District of
17 Idaho, moves the Court, pursuant to 18 U.S.C. § 5034 (*see also* 18 U.S.C. §§ 3142(a)(4) and
18 3142(e)), for an order directing that a hearing be held for the purpose of holding defendant
19 **Francisco Castillo-Machuca** without bail prior to trial.

20 (X) Pursuant to Title 18 U.S.C. § 3142(f), the United States asks for a continuance of
21 _____ days from the date of the defendant's first appearance before a judicial officer. The
22 continuance is requested in order for an Assistant United States Attorney to prepare for the Detention
23 Hearing, and arrange for witnesses;

24 The prosecution will introduce evidence as follows pursuant to the specific sections of
25 Title 18, U.S.C., as indicated:

26 () § 3142(f)(1)(A) - a crime of violence;
27
28

() § 3142(f)(1)(B) - an offense for which the maximum sentence is life imprisonment or death;

() § 3142(f)(1)(C) - an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801, et seq.), the Controlled Substances Import and Export Act (21 U.S.C. § 951, et seq.), or Section 1 of the Act of September 15, 1980 (21 U.S.C. § 955a);

() § 3142(f)(1)(D) - any felony committed after the person had been convicted of two or more prior offenses described in § 3142(f)(1)(A) through (C), or two or more State or local offenses that would have been offenses described in § 3142(f)(1)(A) through (C) if a circumstance giving rise to Federal jurisdiction had existed;

(X) § 3142(f)(2)(A) - a serious risk that the person will flee;

(X) § 3142(f)(2)(B) - a serious risk that the person will:

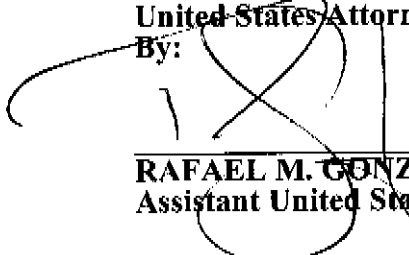
() obstruct or attempt to obstruct justice, or

() threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror; or

(X) otherwise pose a danger to any other person or the community.

DATED this 23rd day of June, 2004.

THOMAS E. MOSS
United States Attorney
By:


RAFAEL M. GONZALEZ, JR.
Assistant United States Attorney

rmg/det-mot,jfc:wpd